INITED	CT	ТТС	DISTRICT	COLIDT
UNITED	$\mathbf{O}$	1100	DISTRICT	COUNT

## EASTERN DISTRICT OF TEXAS

KENNETH CRISSUP,	§	
Plaintiff,	8 8	
versus	8 8 9	CIVIL ACTION NO. 1:09-CV-385
JOHN SMITH, et al.,	§ §	
Defendants.	§ §	

## MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Kenneth Crissup, an inmate confined within the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Timothy Lester, Prasad Surapaneni, Virgil Weaver and Joseph Smith. The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Plaintiff has filed a motion seeking a default judgment against defendants Lester and Smith (#30). The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied.

The court has received the Report and Recommendation, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. After careful consideration, the court is of the opinion plaintiff's objections are without merit.

## **ORDER**

Accordingly, the objections filed by plaintiff are OVERRULED. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is ADOPTED. Plaintiff's motion seeking a default judgment is DENIED.

SIGNED at Beaumont, Texas, this 28th day of August, 2013.

Marcia A. Crone.
MARCIA A. CRONE

UNITED STATES DISTRICT JUDGE